

of the General Assembly and Security Council pertaining to Namibia;

2. *Declares* that the continued presence of the South African authorities in Namibia is illegal and that consequently all acts taken by the Government of South Africa on behalf of or concerning Namibia after the termination of the Mandate are illegal and invalid;

3. *Declares further* that the defiant attitude of the Government of South Africa towards the Council's decisions undermines the authority of the United Nations;

4. *Considers* that the continued occupation of Namibia by the Government of South Africa in defiance of the relevant United Nations resolutions and of the Charter of the United Nations has grave consequences for the rights and interests of the people of Namibia;

5. *Calls upon* all States, particularly those which have economic and other interests in Namibia, to refrain from any dealings with the Government of South Africa which are inconsistent with paragraph 2 of the present resolution;

6. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, an *Ad Hoc* Sub-Committee of the Council to study, in consultation with the Secretary-General, ways and means by which the relevant resolutions of the Council, including the present resolution, can be effectively implemented in accordance with the appropriate provisions of the Charter, in the light of the flagrant refusal of South Africa to withdraw from Namibia, and to submit its recommendations by 30 April 1970;

7. *Requests* all States, as well as the specialized agencies and other relevant organs of the United Nations, to give the Sub-Committee all the information and other assistance it may require in pursuance of the present resolution;

8. *Further requests* the Secretary-General to give every assistance to the Sub-Committee in the performance of its task;

9. *Decides* to resume consideration of the question of Namibia as soon as the recommendations of the Sub-Committee have been made available.

Adopted at the 1529th meeting by 13 votes to none, with 2 abstentions (France, United Kingdom of Great Britain and Northern Ireland).

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In connexion with the implementation of the above resolution, the President of the Security Council announced, in notes circulated as Security Council documents, the following measures which had been approved by the Council:

On 30 January 1970, the President issued a note⁴ stating that, after consultations among all the mem-

⁴ See *Official Records of the Security Council, Twenty-fifth Year, Supplement for January, February and March 1970*, document S/9632.

bers of the Council, it was decided that the *Ad Hoc* Sub-Committee established in pursuance of Security Council resolution 276 (1970) would be composed of all the members of the Council.

On 15 May 1970, the President issued a note⁵ stating that, after consultations with all the members of the Council, they had taken note of the interim report⁶ submitted by the *Ad Hoc* Sub-Committee established in pursuance of Security Council resolution 276 (1970) and it was agreed that the Sub-Committee would continue its work in accordance with its terms of reference in order to be in a position to formulate its recommendations to the Council by the end of June 1970 at the latest.

Decision

At its 1550th meeting, on 29 July 1970, the Council, following the adoption of its agenda, proceeded with the discussion of the item entitled:

"The situation in Namibia:

"(a) Report of the *Ad Hoc* Sub-Committee established in pursuance of Security Council resolution 276 (1970) (S/9863);³

"(b) Letter dated 22 July 1970 from the Permanent Representatives of Burundi, Finland, Nepal, Sierra Leone and Zambia to the United Nations addressed to the President of the Security Council (S/9886)."⁶

Resolution 283 (1970)

of 29 July 1970

The Security Council,

Reaffirming once more the inalienable right of the people of Namibia to freedom and independence recognized in General Assembly resolution 1514 (XV) of 14 December 1960,

Reaffirming Security Council resolutions 264 (1969) of 20 March 1969 and 276 (1970) of 30 January 1970 in which the Council recognized the decision of the General Assembly to terminate the Mandate for South West Africa and assume direct responsibility for the Territory until its independence and in which the continued presence of the South African authorities in Namibia, as well as all acts taken by that Government on behalf of or concerning Namibia after the termination of the Mandate, were declared illegal and invalid,

Recalling its resolution 269 (1969) of 12 August 1969,

Noting with great concern the continued flagrant refusal of the Government of South Africa to comply with the decisions of the Security Council demanding

⁴ *Ibid.*, Supplement for April, May and June 1970, document S/9803.

⁵ *Ibid.*, document S/9771.

⁶ *Ibid.*, Supplement for July, August and September 1970.

the immediate withdrawal of South Africa from the Territory,

Deeply concerned that the enforcement of South African laws and juridical procedures in the Territory have continued in violation of the international status of the Territory,

Reaffirming its resolution 282 (1970) of 23 July 1970 on the arms embargo against the Government of South Africa and the significance of that resolution with regard to the Territory and people of Namibia,

Recalling the decision taken by the Security Council on 30 January 1970 to establish, in accordance with rule 28 of its provisional rules of procedure, an *Ad Hoc* Sub-Committee of the Council to study, in consultation with the Secretary-General, ways and means by which the relevant resolutions of the Council, including resolution 276 (1970), could be effectively implemented in accordance with the appropriate provisions of the Charter of the United Nations, in the light of the flagrant refusal of South Africa to withdraw from Namibia, and to submit its recommendations to the Council,

Having examined the report submitted by the *Ad Hoc* Sub-Committee⁷ and the recommendations contained in that report,

Bearing in mind the special responsibility of the United Nations with regard to the Territory of Namibia and its people,

1. Requests all States to refrain from any relations—diplomatic, consular or otherwise—with South Africa implying recognition of the authority of the Government of South Africa over the Territory of Namibia;

2. Calls upon all States maintaining diplomatic or consular relations with South Africa to issue a formal declaration to the Government of South Africa to the effect that they do not recognize any authority of South Africa with regard to Namibia and that they consider South Africa's continued presence in Namibia illegal;

3. Calls upon all States maintaining such relations to terminate existing diplomatic and consular representation as far as they extend to Namibia, and to withdraw any diplomatic or consular mission or representative residing in the Territory;

4. Calls upon all States to ensure that companies and other commercial and industrial enterprises owned by, or under direct control of, the State cease all dealings with respect to commercial or industrial enterprises or concessions in Namibia;

5. Calls upon all States to withhold from their nationals or companies of their nationality not under direct governmental control, government loans, credit guarantees and other forms of financial support that would be used to facilitate trade or commerce with Namibia;

6. Calls upon all States to ensure that companies and other commercial enterprises owned by, or under direct control of, the State cease all further investment activities, including concessions in Namibia;

7. Calls upon all States to discourage their nationals or companies of their nationality not under direct governmental control from investing or obtaining concessions in Namibia, and to this end to withhold protection of such investment against claims of a future lawful government of Namibia;

8. Requests all States to undertake without delay a detailed study and review of all bilateral treaties between themselves and South Africa in so far as these treaties contain provisions by which they apply to the Territory of Namibia;

9. Requests the Secretary-General to undertake without delay a detailed study and review of all multi-lateral treaties to which South Africa is a party and which, either by direct reference or on the basis of relevant provisions of international law, might be considered to apply to the Territory of Namibia;

10. Requests the United Nations Council for Namibia to make available to the Security Council the results of its study and proposals with regard to the issuance of passports and visas for Namibians, and to undertake a study and make proposals with regard to special passport and visa regulations to be adopted by States concerning travel of their citizens to Namibia;

11. Calls upon all States to discourage the promotion of tourism and emigration to Namibia;

12. Requests the General Assembly, at its twenty-fifth session, to set up a United Nations fund for Namibia to provide assistance to Namibians who have suffered from persecution and to finance a comprehensive educational and training programme for Namibians, with particular regard to their future administrative responsibilities in the Territory;

13. Requests all States to report to the Secretary-General on measures they have taken in order to give effect to the provisions set forth in the present resolution;

14. Decides to re-establish, in accordance with rule 28 of its provisional rules of procedure, the *Ad Hoc* Sub-Committee on Namibia and to request the Sub-Committee to study further effective recommendations on ways and means by which the relevant resolutions of the Council can be effectively implemented in accordance with the appropriate provisions of the Charter of the United Nations, in the light of the flagrant refusal of South Africa to withdraw from Namibia;

15. Requests the Sub-Committee to study the replies submitted by Governments to the Secretary-General in pursuance of paragraph 13 of the present resolution and to report to the Council as appropriate;

16. Requests the Secretary-General to give every assistance to the Sub-Committee in the performance of its tasks;

17. Decides to remain actively seized of this matter.

Adopted at the 1550th meeting by 13 votes to none, with 2 abstentions (France, United Kingdom of Great Britain and Northern Ireland).

⁷ *Ibid.*, document S/9863.

In connexion with the implementation of the above resolution, the President of the Security Council announced, in a note circulated as a Security Council document, the following measures which had been approved by the Council:

On 18 August 1970, the President issued a note⁸ stating that, after consultations among the members of the Council, it had been agreed that the *Ad Hoc* Sub-Committee on Namibia re-established in pursuance of Security Council resolution 283 (1970) would be composed of all the members of the Council and would work under the same procedures as those followed by the *Ad Hoc* Sub-Committee established in pursuance of Security Council resolution 276 (1970).

Resolution 284 (1970)
of 29 July 1970

The Security Council,

Reaffirming the special responsibility of the United Nations with regard to the Territory and the people of Namibia,

Recalling its resolution 276 (1970) of 30 January 1970 on the question of Namibia,

*Taking note of the report and recommendations⁹ submitted by the *Ad Hoc* Sub-Committee established in pursuance of Security Council resolution 276 (1970),*

⁸ *Ibid.*, document S/9911.

⁹ *Ibid.*, document S/9863.

*Taking further note of the recommendation of the *Ad Hoc* Sub-Committee on the possibility of requesting an advisory opinion from the International Court of Justice,*

Considering that an advisory opinion from the International Court of Justice would be useful for the Security Council in its further consideration of the question of Namibia and in furtherance of the objectives the Council is seeking,

1. *Decides to submit, in accordance with Article 96, paragraph 1, of the Charter of the United Nations, the following question to the International Court of Justice, with the request for an advisory opinion which shall be transmitted to the Security Council at an early date:*

"What are the legal consequences for States of the continued presence of South Africa in Namibia, notwithstanding Security Council resolution 276 (1970)?";

2. *Requests the Secretary-General to transmit the present resolution to the International Court of Justice, in accordance with Article 65 of the Statute of the Court, accompanied by all documents likely to throw light upon the question.*

Adopted at the 1550th meeting by 12 votes to none, with 3 abstentions (Poland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland).

QUESTION CONCERNING THE SITUATION IN SOUTHERN RHODESIA¹⁰

In connexion with the implementation of resolution 253 (1968) of 29 May 1968, the President of the Security Council announced, in notes circulated as Security Council documents, the following measures which had been approved by the Council:

On 10 April 1970, the President issued a note¹¹ stating that, after consultations with the members of the Council, it had been agreed that until a further decision was reached the Committee established in pursuance of Security Council resolution 253 (1968) would be composed of: France, Nepal, Nicaragua, Sierra Leone, Union of Soviet Socialist

Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.¹²

On 30 September 1970, the President issued a note¹³ stating that, after consultations, it had been agreed that as of 1 October 1970 the Committee established in pursuance of Security Council resolution 253 (1968) would be composed of all the members of the Council, and that the Chairmanship of

¹⁰ Resolutions or decisions on this question were also adopted by the Council in 1963, 1965, 1966, 1968 and 1969.

¹¹ See *Official Records of the Security Council, Twenty-fifth Year, Supplement for April, May and June 1970*, document S/9748.

¹² The composition of the Committee, as originally established, is given in documents S/8697 of 31 July 1968 and S/8697/Add.1 of 27 January 1969; see *Official Records of the Security Council, Twenty-third Year, Supplement for July, August and September 1968*, and *ibid.*, *Twenty-fourth Year, Supplement for January, February and March 1969*.

¹³ See *Official Records of the Security Council, Twenty-fifth Year, Supplement for July, August and September 1970*, document S/9951.